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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,966	10/13/2006	Christof Erban	284590US6PCT	9227

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HERRING, BRENT W

ART UNIT	PAPER NUMBER
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3633

NOTIFICATION DATE	DELIVERY MODE
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01/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/566,966	Applicant(s) ERBAN, CHRISTOF	
	Examiner BRENT W. HERRING	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02022006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 2/2/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claims 20 and 36 are objected to because of the following informalities: The claims recite the limitation "the bonded joint" in the body of the claim. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claims are examined as best understood. In the instant case, the "bonded joint" is examined as the first and second substrate joined together at least indirectly by adhesive bonding.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 20-23, 26, 29-32, and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherts, US 2,359,163.

Regarding claim 20:

'163 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (19, see Figs 2-6), which are joined together, at least indirectly, by adhesive bonding (17); at least one support element (25, see Fig. 2) associated with the first substrate capable of fastening the laminated element to an infrastructure; and active position fastening of the second substrate (via 30), at least in the event of failure of the bonded joint, wherein the active position fastening is active only between the first and second substrates (see Figs. 4, 5) and is placed a certain distance from edges of the first and second substrates (see Fig. 1).

Regarding claim 21:

'163 discloses claim 20, wherein the active position fastening comprises at least one fastening element passing through a plane of a bonded assembly between the first and second substrates and engaging in a recess in each substrate (see Fig. 1).

Regarding claim 22:

'163 discloses claim 20, wherein the first and second substrates are joined together by surface bonding by a layer of adhesive (17).

Regarding claim 23:

'163 discloses claim 21, further comprising a recess in at least one of the substrates that is a through-drillhole (see Fig. 1).

Regarding claim 26:

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'163 discloses claim 21, wherein the fastening element is in a form of a cylindrical pin (see Fig. 5).

Regarding claim 29:

'163 discloses claim 20, wherein a fastening element for the active position fastening is fastened by adhesive bonding (45) in a recess into which the element is introduced.

Regarding claim 30:

'163 discloses claim 20, wherein a fastening element for the active position fastening is immobilized by adhesion (45) in a recess into which it is introduced.

Regarding claim 31:

'163 discloses claim 30, wherein the fastening element comprises at least one element (45) configured to be capable of deforming elastically and/or plastically upon its introduction into the recess.

Regarding claim 32:

'163 discloses claim 20, wherein a fastening element for the active position fastening is fastened by an assembly of the first and second substrates with the adhesive, in a recess into which it is introduced (see Fig. 5).

Regarding claim 36:

'163 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (19), which are joined together by adhesive bonding (17), indirectly via a spacing means (see Fig. 5); at least one support element (25) associated with the first substrate to fasten the laminated element to an infrastructure; and active position fastening (30) of the second substrate at least in the event of failure of the bonded joint,

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wherein the active position fastening is active between the spacing means and the first and/or the second substrate.

Regarding claim 37:

'163 discloses claim 36, wherein the active position fastening comprises at least one fastening element (30) passing through a plane of the adhesively bonded assembly between the spacing means and at least one of the first and second substrates and engaging in a recess in each substrate (see Figs. 1, 5).

Regarding claim 38:

'163 discloses claim 36, wherein the active position fastening comprises at least one fastening element passing through the spacing means (17, 45) and engaging in a recess in each substrate.

5. Claims 20, 33, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu, US 6,098,364.

Regarding claim 20:

'364 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate(11, 13), which are joined together, at least indirectly, by adhesive bonding (12); at least one support element associated with the first substrate (21) to fasten the laminated element to an infrastructure; and active position fastening (via 3) of the second substrate, at least in the event of failure of the bonded joint, wherein the active position fastening is active only between the first and second substrates and is placed a certain distance from edges of the first and second substrates (see Figs. 1, 2).

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Regarding claim 33:

'364 discloses claim 20, further comprising at least one functional element (222) placed between the first and second substrates.

Regarding claim 35:

'364 discloses claim 20, joined along its edge to support elements (222).

6. Claims 20, 21, 23, 25, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Florentin et al., US 6,052,965.

Regarding claim 20:

'965 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (2, 3), which are joined together, at least indirectly, by adhesive bonding (6); at least one support element associated with the first substrate to fasten the laminated element to an infrastructure (15); and active position fastening of the second substrate (12), at least in the event of failure of the bonded joint, wherein the active position fastening is active only between the first and second substrates and is placed a certain distance from edges of the first and second substrates (see Fig. 2).

Regarding claim 21:

'965 discloses claim 20, wherein the active position fastening comprises at least one fastening element passing through a plane of a bonded assembly between the first and second substrates and engaging in a recess in each substrate (see Fig 2).

Regarding claim 23:

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'965 discloses claim 21, further comprising a recess in at least one of the substrates that is a through-drill hole (see Fig. 2).

Regarding claim 25:

'965 discloses claim 21, wherein the fastening element is in a form of a round tenon (12, see Fig. 3 with a head part and a shank part.

Regarding claim 28:

'965 discloses claim 20, further comprising visual masking in a region of the active position fastening (the handle 11 visually masks the active position fastener and also enamel layer 7 acts as a visual masking).

7. Claims 20, 21, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kroll, US 6,105,327.

Regarding claim 20:

'327 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (18, 54, 40, 72, 60, 6, see Fig. 2), which are joined together, at least indirectly, by adhesive bonding (16); at least one support element (24) associated with the first substrate to fasten the laminated element to an infrastructure; and active position fastening of the second substrate (56), at least in the event of failure of the bonded joint, wherein the active position fastening is active only between the first and second substrates and is placed a certain distance from edges of the first and second substrates.

Regarding claim 21:

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'327 discloses claim 20, wherein the active position fastening comprises at least one fastening element (56) passing through a plane of a bonded assembly between the first and second substrates and engaging in a recess in each substrate.

Regarding claim 27:

'327 discloses claim 21, wherein the fastening element does not project from the surfaces of the first and second substrates (56, see Fig. 2).

8. Claims 20, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Selders, EP 0918119.

Regarding claim 20:

'119 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (11, 12), which are joined together, at least indirectly, by adhesive bonding (13); at least one support element (7) associated with the first substrate to fasten the laminated element to an infrastructure; and active position fastening (1) of the second substrate, at least in the event of failure of the bonded joint, wherein the active position fastening is active only between the first and second substrates and is placed a certain distance from edges of the first and second substrates.

Regarding claim 21:

'119 discloses claim 20, wherein the active position fastening comprises at least one fastening element (1) passing through a plane of a bonded assembly between the first and second substrates and engaging in a recess in each substrate.

Regarding claim 23:

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'119 discloses claim 21, further comprising a recess in at least one of the substrates that is a through-drill hole (see substrate 11).

Regarding claim 24:

'119 discloses claim 23, wherein the drill hole in at least one of the substrates emerges only in that face of this substrate (12) which is turned toward the adhesive, the recess being produced in a form of a blind hole (see Fig. 1).

Claim Rejections - 35 USC § 103

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florentin, US 6,052,965 in view of Sufke, US 4,793,112.

Regarding claim 34:

'965 discloses claim 20, but does not expressly disclose claim 34.

'112 discloses wherein at least one support element (8) associated with a first substrate (1a) comprises a support bolt (8), which is fastened by interlocking in a blind hole in the substrate emerging on the opposite side from the adhesive (see Fig. 1).

'965 and '112 are analogous art because they are from the same field of composite glass facades.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the support element of '112 to replace the plastic profile 13 support of '965.

The motivation would have been to eliminate visible connecting elements along the edges of the panels (col. 1, lns. 50-57).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENT W. HERRING whose telephone number is (571)270-3661. The examiner can normally be reached on Monday-Thursday, 8:00AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian E. Glessner can be reached on (571)272-6847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRENT W HERRING/

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Examiner, Art Unit 3633

/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635